

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALACIOS ALVARADO,

Petitioner,

-against-

SHAWN GILLIS, et al.,

Respondents.

Case No. 1:22-cv-10082 (JLR) (KHP)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Petitioner Lucas Palacios Alvarado filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 seeking release from immigration custody. *See* ECF No. 1 (the “Petition”). On August 3, 2023, Magistrate Judge Katharine H. Parker issued a Report and Recommendation recommending that the Court lacks jurisdiction over the action, and therefore ought to transfer the action to the Southern District of Mississippi. ECF No. 15 (the “Report”). The Report warned, in bolded all capital letters, that failure to timely object would result in a waiver of objections and preclude appellate review. *Id.* at 6. Neither Petitioner nor Respondent have timely filed objections to the Report. For the following reasons, the Court adopts the Report in full and orders that the Petition be transferred to the United States District Court for the Southern District of Mississippi pursuant to 28 U.S.C. § 1631.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see* Fed. R. Civ. P. 72(b); *Grassia v. Scully*, 892 F.2d 16, 19 (2d Cir. 1989). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2). That deadline is extended to 17 days when service is made by mail. *See* Fed. R. Civ. P. 6(d). “[A] district court evaluating a magistrate

judge's recommendation is permitted to adopt those portions of the recommendation to which no 'specific, written objection' is made, as long as those sections are not clearly erroneous."

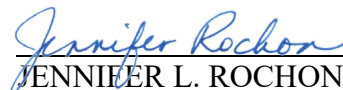
Ramirez v. United States, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012) (quoting *Greene v. WCI Holdings Corp.*, 956 F. Supp. 509, 513 (S.D.N.Y. 1997), *aff'd*, 136 F.3d 313 (2d Cir. 1998)); *see also S.J. v. New York City Dep't of Educ.*, No. 21-cv-240, 2022 WL 1409578, at *1 n.1 (2d Cir. May 4, 2022) (same). A party's "failure to object timely to a report waives any further judicial review of the report" so long as the party received "clear notice of the consequences of their failure to object." *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992) (internal quotation marks omitted).

Here, neither party has submitted objections to the Report. The Court has therefore reviewed Magistrate Judge Parker's Report for clear error. *See Ramirez*, 898 F. Supp. 2d at 663. The Court finds that the Report's reasoning is sound, grounded in fact and law, and not clearly erroneous. Therefore, the Court adopts the thorough and well-reasoned Report in its entirety. Accordingly, IT IS HEREBY ORDERED that this case be transferred to the United States District Court for the Southern District of Mississippi.

The Clerk of Court is respectfully directed to transfer this action to the United States District Court for the Southern District of Mississippi forthwith.

Dated: August 22, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge